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EXAMINER

POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2141

10

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,364

Applicant(s)

SIMONOFF, ADAM J.

Examiner

Melvin H Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-77 have been considered but are moot in view of the new ground(s) of rejection.
2. The examiner has received the terminal disclaimer and approves its usage. The double patenting rejections are withdrawn.
3. The applicant has amended the claims to clarify that each of the document items, i.e. text, images and hyperlinks, are in object form and treated as such. As previously shown, Aditham and Kumar both teach this limitation, and this teaching has not been challenged by the applicant. The examiner further notes that any manipulation of a document – that is the addition, deletion, or modification of a part of the document – would indicate to one of those well known in the art that the document parts are either objects, or may be modified to become objects, as object-oriented development is well known in the art.
4. The primary argument made by the applicant is the lack of teaching for using “active hyperlink documents” in much the same way as other objects are used. The examiner will add a reference to show that this is known. However, the usage of a wide variety of objects would lead one of ordinary skill in the art to assume that any normal and well known object would also apply, especially given Kumar's assertion that any type of document may be used and given the nature of documents that include hyperlink objects, i.e. HTML files. While Kumar does concentrate on more static documents, i.e. spreadsheets and text documents, Kumar does teach a system for more dynamic documents, i.e. schedules, and even allows for custom data objects. Further, the system to modify all of the document types listed clearly will allow one of ordinary

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skill in the art to work on a file with hyperlinks, i.e. an HTML file such as one created in Notepad, MS Word, or MS FrontPage. Further, the addition of a well known information object type to a list of other information object types is not considered by the examiner to be allowable subject matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 13, 14, 20-22, 25, 27-30, 34-37, 48-53, 55-58, 63, 64, 66-68, 72, 74-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aditham et al. (6,378,001) and Kumar et al. (6,342,906) in view of Jawahar et al. (6,298,356).

7. For claim 1, Aditham teaches a method (see abstract) facilitating collaboration (col. 1, lines 15-20) between a plurality of users (col. 1, lines 20-25) of incompatible hardware and/or operating systems (Fig. 2 & 3, and col. 3, line 65 – col. 4, line 30), comprising:

- a. Selectively generating (col. 2, lines 32-33) shared objects (col. 5, lines 47-48) which are displayable at user-selected locations (Fig. 10) on a White Board screen of one of the users (col. 2, lines 20-23);
- b. Transmitting all generated ones of the shared objects for selective distributions to each of the other users (col. 2, lines 20-25); and
- c. Filtering the shared objects to thereby permit selective retransmission of the shared objects to respective ones of the other users (col. 2, lines 25-30).

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8. Aditham does not expressly disclose what the shared objects are, beyond the generic expression that they are information shared by various users for the purpose of collaboration. Several examples are given, such as a spreadsheet (see above) or a database record (col. 1, lines 20-40), but there is no list of all the possible objects. However, the applicant's list of objects are all well-known in the art as methods of imparting information, consisting of generic multimedia data, text, HTML and hyperlinks, active track objects, freehand drawings and other images, and 3D images. The decision as to the format of the object is a design choice, and the choosing of any particular object type would not destroy the reference.

9. Kumar teaches that the shared object can be of one or more types of the list given by the applicant (col. 3, lines 45-52). Kumar also teaches many of the limitations in claim 1 (abstract, Fig. 5, col. 1, lines 5-10). At the time the invention was made, one of ordinary skill in the art would have known that the shared objects could be any of the above types because of the reasons above, their ubiquitous presence throughout the body of art, and in order to allow a broad array of possible collaborative applications (col. 2, lines 15-17).

10. Jawahar also teaches collaboration (see abstract) with a focus on web page collaboration, including hyperlinks (col. 2, lines 5-15 and 35-45). At the time the invention was made, one of ordinary skill in the art would have recognized the need to modify web pages and hyperlink objects (see above) and to allow better testing of web pages (col. 2, lines 1-5).

11. As for claim 2, Aditham teaches that one of the respective ones of the other users is a new user (col. 2, lines 25-30).

12. As for claims 3-5, Aditham teaches that the users have predetermined privilege level, and that users receive some of the objects if they have the level (col. 5, lines 19-57). It would be

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obvious to skip the filtering step if all users had an identical privilege level, as an identical level would reduce mean that every user could receive every object, and would occur directly from the implementation of claim 4. Further, such a situation occurs during a “public” session.

13. As for claim 6, Kumar teaches the use of a multimedia presentation (see claim 1 discussion above).

14. Claim 13 is drawn to many of the limitations detailed in claim 1. Claim 13 adds the limitation of a server collecting objects from a client for retransmission to other clients, which Aditham also shows (Fig. 3). If claim 1 is rejected, then claim 13 is also rejected for the reasons above.

15. Claim 14 is drawn to the same limitations drawn in claim 2. If claim 2 is rejected, then claim 14 is also rejected for the reasons above.

16. As for claim 20, Aditham teaches that the generated object comprises an object sequence, and wherein each member of the object sequence is different than all other members of the object sequence (Fig. 6).

17. Claim 21 is drawn to many of the limitations detailed in claim 13. Claim 21 adds several limitations that Aditham also teaches: the use of a GUI (col. 1, lines 40-50 and col. 4, lines 56-60), the method of logging into a session (col. 4, line 66 – col. 5, line 2) to receive a unique ID (col. 4, lines 34-36), and the server providing a command to update a computer that just joins in (col. 2, lines 24-26).

18. As for claim 22, Aditham teaches that the network is a LAN (col. 3, lines 60-61).

19. Claim 25 is drawn to a White Board system that implements the limitations drawn in claims 13 and 3. The art teaches that a system implementation is functionally equivalent to the

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underlying method. Therefore, if claims 3 and 13 are rejected, then claim 25 is also rejected for the reasons above.

20. Claims 27 and 28 are similar to the limitations drawn in claim 4. Claims 29 and 30 are drawn to the same limitations drawn in claims 6 and 5, respectively. If claims 4-6 are rejected, then claims 27-30 are also rejected for the reasons above.

21. Claims 34 and 35 are drawn to machine readable code stored in memory for implementing the limitations in claim 21. The prior art teaches that a software implementation is functionally equivalent to a hardware implementation. Official notice is taken regarding the fact that computer code is stored in memory. Therefore, if claim 21 is rejected, then claims 34 and 35 is also rejected for the reasons above.

22. Claim 36 is drawn to machine readable code stored in memory for implementing the limitations in claim 27. Claim 37 is drawn to machine readable code stored in memory for implementing the limitations in claims 20 and 29. The prior art teaches that a software implementation is functionally equivalent to a hardware implementation. Official notice is taken regarding the fact that computer code is stored in memory. Therefore, if claims 20, 27, and 29 are rejected, then claims 36 and 37 are also rejected for the reasons above.

23. Claims 48 and 49 are drawn to many of the same limitations as claim 34. Claims 51 and 52 are drawn to many of the same limitations as claims 38 and 40. If claim 34 is rejected, then claims 48 and 49 are also rejected for the reasons above.

24. Claims 50 and 53 are drawn to machine readable code stored in memory for implementing the limitations in claims 20 and 9, respectively. The prior art teaches that a software implementation is functionally equivalent to a hardware implementation. Official

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notice is taken regarding the fact that computer code is stored in memory. Therefore, if claims 9 and 20 are rejected, then claims 50 and 53 are also rejected for the reasons above.

25. Claims 55-58 are drawn to many of the same limitations as claims 2, 1, 3, 4, respectively. If claims 1-4 are rejected, then claims 55-58 are also rejected for the reasons above.

26. Claim 63 is drawn to many of the same limitations as claims 48 and 56. Claims 64, 66, 67 and 68 are drawn to many of the same limitations as claims 55, 20, 21 and 22, respectively. If claims 20-22, 48, 55 and 56 are rejected, then claims 63, 64 and 66-68 are also rejected for the reasons above.

27. Claims 72 and 74-77 are drawn to many of the same limitations as claims 25 and 27-30, respectively.

28. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Aditham, Kumar, and Jawahar as applied to claim 1 above, and further in view of Smythe et al. (6,418,214).

29. For claim 7, Aditham shows that a client can log on and off (Fig. 10, #46 and #52). Smythe teaches in further detail the step of shutting down at least one of the White Board clients responsive to a received command signal, where the signal can be local (col. 10, lines 43-47) or remote (col. 10, lines 54-60). Further evidence is also presented by Smythe (Fig. 7, col. 6, lines 5-10, col. 11, lines 40-55). At the time the invention was made, one of ordinary skill in the art would have used the shutdown process of Smythe to better handle the Aditham system.

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30. Claims 8-12, 15-19, 23, 24, 38-40, 45-47, 54, 60-62, 69, 70 are rejected under 35

U.S.C. 103(a) as being unpatentable over Aditham, Kumar, and Jawahar as applied to claims 1, 13, 21, 34, 48, 56, 67 above, and further in view of England (6,144,991).

31. England teaches many of the limitations in claim 1 (abstract), including the development of whiteboards and other collaborative tools in the web environment (col. 5, lines 35-55) so that one computer may develop objects and transmit them to other computers (col. 8, lines 10-30) and to retransmit them to computers joining in (col. 29, lines 38-58).

32. For claim 8, England teaches that the operation of a first active hyperlink on a first White Board client causes selected other ones of the White Board clients to display the file specified by the URL associated with the first active hyperlink (col. 10, lines 39-52). At the time the invention was made, one of ordinary skill in the art would have given Aditham this form of collaborative method in order to allow collaboration relationships such as between an expert and a student (col. 6, lines 38-50).

33. For claims 9-12, England teaches that the White Board session may be saved in a session file and reconstructed from said file for new users (col. 8, lines 40-53, and col. 22, lines 15-45). One of ordinary skill in the art would recognize a web page as a possible storage format, especially for web-based systems. Aditham teaches the storage of the session (col. 1, lines 50-60). At the time the invention was made, one of ordinary skill in the art would have used England to flesh out the implementation, especially in a web environment.

34. Claims 15-19 are drawn to the same limitations drawn in claims 9-12. If claims 9-12 are rejected, then claims 15-19 are also rejected for the reasons above.

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35. For claims 23 and 24, Aditham teaches that the server can distribute programs over the web (col. 13, lines 25-30) and the use of JAVA applets to develop the White Board and communication (col. 4, lines 40-50 and col. 7, line 40 – col. 8, line 22). England goes further to show the use of web browsers (Fig. 3) and a web server that serves web pages (col. 2, lines 30-40).

36. Claim 38 is drawn to machine readable code stored in memory for implementing the limitations in claim 17. Claims 39, 40 and 45 are drawn to machine readable code stored in memory for implementing the limitations in claims 16, 17, and 9, respectively. The prior art teaches that a software implementation is functionally equivalent to a hardware implementation. Official notice is taken regarding the fact that computer code is stored in memory. Therefore, if claims 9, 16 and 17 are rejected, then claims 38-40 and 45 are also rejected for the reasons above.

37. As for claims 46 and 47, Kumar teaches the use of a chat function and storage of the conversation (Fig. 4, #904-912), which can be replayed later (col. 8, lines 40-53, and col. 22, lines 15-45). At the time the invention was made, one of ordinary skill in the art would have added a chat feature to Aditham and Kumar so that users could improve their communication during collaboration products.

38. Claim 54 is drawn to many of the same limitations as claim 45. If claim 45 is rejected, then claim 54 is also rejected for the reasons above.

39. Claims 60-62 are drawn to many of the same limitations as claims 10-12, respectively. If claims 10-12 are rejected, then claims 60-62 are also rejected for the reasons above.

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40. Claims 69 and 70 are drawn to many of the same limitations as claims 23 and 24. If claims 23 and 24 are rejected, then claims 69 and 70 are also rejected for the reasons above.

41. Claims 26, 59, 65, 71 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aditham, Kumar and Jawahar as applied to claims 25, 56, 63, 67, and 72 above, and further in view of Raz (6,292,827).

42. For claim 26, Raz teaches the use of multiple servers for the purpose of redundancy and fault tolerance (i.e. if one server goes down, the others take over) (col. 7, lines 17-20).

43. As for claim 59, Raz teaches using JPEG to store data (col. 11, lines 5-22). At the time the invention was made, one of ordinary skill in the art would have used JPEG as a standard file format in order to compress the image data.

44. Claim 65 shares many of the limitations as claim 59. If claim 59 is rejected, then claim 65 is also rejected for the reasons above.

45. As for claim 71, Raz teaches that the client applet instantiates a plug-in (col. 10, lines 36-49 and col. 12, lines 5-35) conforming to a predetermined application programming interface (API) (col. 10, line 50 – col. 11, line 3 and col. 12, lines 51 – 61). At the time the invention was made, one of ordinary skill in the art would have used the information from Raz to flesh out Aditham's agents, which act like plug-in APIs, and translate it to the web environment.

46. Claim 73 is drawn to many of the same limitations as claim 26. If claim 26 is rejected, then claim 73 is also rejected for the reasons above.

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47. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aditham, Kumar and Jawahar as applied to claims 1 above, and further in view of the WWW Conference Article by Jacobs et al.

48. Claim 31 is drawn to a software system that implements the method drawn in claim 1. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claim 1 is rejected, claim 31 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

49. Claim 31 is also drawn to the development of separate tools for each type of data object listed in claim 1. It has already been shown that Aditham, Kumar and Jawahar teach the generation of these objects (claim 1 discussion). Neither expressly teaches the tools to develop these object types. However, it would be obvious to add a tool to generate an object of a certain type to an invention that already calls for the generation of an object of a certain type. The examiner also notes that, just as the generation of all the object types are well known in the art, so are the tools to affect the generation of said objects.

50. Fig. 5 of the Jones article shows that a whiteboard contains many object tools including placement tools for images, freehand drawings, text, etc. Any other related tools not shown by this evidence is considered by the examiner to be a design choice that would easily be added without destroying the invention.

51. Therefore, for the reasons above and for the reasons shown in claim 1, claim 31 is also rejected.

52. Claims 32 and 33 are drawn to machine readable code stored in memory for implementing the limitations in claims 4 and 3, respectively. The prior art teaches that a

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software implementation is functionally equivalent to the underlying method. Official notice is taken regarding the fact that computer code is stored in memory. Therefore, since claims 3 and 4 are rejected, then claims 32 and 33 are also rejected for the reasons above.

53. Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aditham, Kumar and England as applied to claim 39 above, and further in view of Howell et al. (5,276,901).

54. For claims 41-44, Howell teaches storage of information at a privilege level of the user under various methods (abstract, Fig. 4, col. 1, lines 15-22, col. 2, lines 18-55). It has been shown above that Aditham uses privilege level information. At the time the invention was made, one of ordinary skill in the art would have used Howell to learn how to produce the information that Aditham requires.

Conclusion

55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (703) 305-4641. The examiner can normally be reached on 8:30-5:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP

20 April 2004


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER